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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/411,407	09/30/1999	THOMAS L. STACHURA	042390.P7090	8269

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EXAMINER

MIRZA, ADNAN M

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 01/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/411,407

Applicant(s)

STACHURA ET AL.

Examiner

Adnan M Mirza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 October 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>7</u> . | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farrand et al (U.S. 5,309,563), and in view of Nouri et al (U.S. 6,065,053).

As per claim 1 Farrand disclosed in a client device, a method comprising: receiving externally provided control operations; determining a current operating state of said client device (col. 5, lines 36-39);

However Farrand failed to disclose a conditionally executing said control operations if execution of said control operations are permitted while said client device is in said determined current state. In the same field of endeavor Nouri disclosed a conditionally executing said control operations if execution of said control operations are permitted while said client device is in said determined current state (col. 6, lines 2-12).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated permitting execution of said control operations when the client device is in said determined current state as taught by Nouri in the method of Farrand to make the method less time dependent and more versatile.

6. As per claim 2 Nouri disclosed wherein receiving externally provided control operations includes receiving a system reset operation (col. 5, lines 24-26).

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated wherein receiving externally provided control operations includes receiving a system reset operation as taught by Nouri in the method of Farrand to make the method less time dependent and more versatile.

7. As per claim 3 Nouri disclosed wherein receiving externally provided control operations includes receiving a system power operation (col. 6, lines 36-39).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated wherein receiving externally provided control operations includes receiving a system power operation as taught by Nouri in the method of Farrand to make the method less time dependent and more versatile.

8. As per claim 4 Nouri disclosed wherein said externally provided control operations are received from a server device coupled to said client device over a network (col.5, lines 54-63).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated wherein said externally provided control operations are received from a server device coupled to said client device over a network as taught by Nouri in the method of Farrand to make the method less time dependent and more versatile.

9. As per claim 5 Nouri disclosed wherein said current operating state of said client device is determined by inspecting at least one status register on said client (col. 5, lines 31-37).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated wherein said current operating state of said client device is determined by inspecting at least one status register on said client as taught by Nouri in the method of Farrand to make the method less time dependent and more versatile.

10. As per claim 6 Nouri disclosed wherein said control operations are permitted while said client device is in a system hung state (col. 13, lines 31-37).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated wherein said control operations are permitted while said client device is in a system hung state as taught by Nouri in the method of Farrand to make the method less time dependent and more versatile.

11. As per claim 7 & 16 Farrand disclosed wherein said externally provided control operations are received via a network data packet encapsulated according to a remote management and control protocol (RMCP) (col. 2, lines 55-61).

12. As per claim 8 Nouri disclosed An apparatus comprising: a first electronic component; a bus; a, sensor coupled to said bus and said first electronic component (col. 22, lines 32-65); and a second electronic component coupled to said bus to conditionally cause said first electronic component to perform a plurality of functions through said sensor, via said bus, responsive to externally provided control operations (col. 12, lines 50-62).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated a first electronic component; a bus; a, sensor coupled to said bus and said first electronic component; and a second electronic component coupled to said bus to conditionally cause said first electronic component to perform a plurality of functions through said sensor, via said bus, responsive to externally provided control operations as taught by Nouri in the method of Farrand to make the method less time dependent and more versatile.

13. As per claim 9 Nouri disclosed wherein said first electronic component further comprises a reset pin, and wherein said second electronic component coupled to said bus conditionally causes said first electronic component to perform a reset function (col. 15, lines 21-60).

14. As per claim 10 Nouri disclosed wherein said first electronic component includes a processor (col. 15, lines 21-60).

15. As per claim 11 Nouri disclosed wherein said bus includes a system management bus (col. 8, lines 18-23).

16. As per claim 12 Nouri disclosed further comprising a network controller (col. 8, lines 5-18).

17. As per claim 13 Nouri disclosed wherein said external control operations are provided by a server device connected to said apparatus through said network controller (col. 8, lines 5-18).

18. As per claim 14 Nouri disclosed further comprising: an operating system; and a processor to execute said operating system (col 6, lines 58-65).

19. As per claim 15 Nouri disclosed wherein said second electronic component conditionally causes said first electronic component to perform said plurality of functions prior to said operating system having been executed by said processor (col. 12, lines 50-62).

Applicant's arguments are as follows:

20. Applicant argued that prior art did not disclose receiving control operations from an external source.

As per argument Farrand disclosed addressing the specific signals being monitored by the system bus manager 22, the computer system bus supplies certain signals to a bus monitor which help determine the state of the computer system board (col. 5, lines 36-39).

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21. Applicant argued that prior art did not disclose at least the element of conditionally executing control commands received from an external source, based on determined current operating state.

As per argument Nouri disclosed a server system with a client computer will be described. In one embodiment, the server system hardware environment may be built around a self-contained network of microcontrollers, such as for example, a remote interface microcontroller on the remote interface board or circuit, a system interface microcontroller. This distributed service processor network may operate as a fully self-contained subsystem within the server system continuously monitoring and managing the physical environment of the machine (e.g., temperature, voltages, fan status). The microcontroller network continues to operate and provides a system administrator with critical system information, regardless of the operational status of the server (col. 5, lines 66-67 & col. 6, lines 1-13).

Applicant's argument was not persuasive enough therefore the action is made final.

### ***Conclusion***

22. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

23. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (703)-305-4633.

24. The examiner can normally be reached on Monday to Friday during normal business hours.

25. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (703)-308-5221. The fax for this group is (703)-746-7239.

26. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-746-7239 (For Status Inquiries, Informal or Draft Communications, please label "PROPOSED" or "DRAFT");

(703)-746-7239 (For Official Communications Intended for entry, please mark "EXPEDITED PROCEDURE"), 703)-746-7238 (For After Final Communications).

27. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Any response to a final action should be mailed to:



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BOX AF

Commissioner of Patents and Trademarks Washington, D.C.20231


Or faxed to:

Hand-delivered responses should be brought to 4<sup>th</sup> Floor Receptionist, Crystal Park II,  
2021 Crystal Drive, Arlington, VA 22202.

AM

Adnan Mirza

Examiner

  
DAVID WILEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100